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H – 1059

International Court of Justice

H1059 – 0001

H1059 - 0002

OFFICIAL TRANSCRIPT OF EXAMINATION OF AFFIDAVITS ON BEHALF OF ACCUSED ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO ORDER OF THE TRIBUNAL DATED 5 JULY 1946

TUESDAY, 9 JULY 1946.

COMMISSIONERS: Geo. R.

Mr. Taylor.

THE SD

(The Commission convened at 1400 hours)

MR. TAYLOR: About how many affidavits do you have to present?

DRR LOEFFLER: About a total of thirty. The list is still being typed out for some of them.

MR. TAYLOR: We checked with the translation section and it is going to be very difficult to get very many affidavits translated, so I would suggest that you kindly select the ones you xxxxx really want and are pertinent rather than request that too many of them be translated.

DR. LOEFFLER: I shall present SD document No. 1, a statement of the Adjutant of the SD school in Bernau. The name of the person is Ferdinand Zachmann. I want to prove or state with this affidavit that the members of the SD were taught in these schools that it was their duty to inform the government of the feeling within the country, and it was the duty of the SD through priority, individuals

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and official reports, to give the government a picture of the actual situation and development within all phases of public life. The people were taught in other words not to persecute individual persons.

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DR. LOEFFLER: As SD No. 2, I present the document, a sworn affidavit by Otto Ohlendorf, the former bureau chief of the SD. Especially important in this affidavit is paragraph No. 3, with which I want to prove that the interior SD was in no way connected with the Gestapo or the Security Police, that to form a close or cooperative police system, and these units did not work together very closely. That the SD within the Reich did not have the duty to receive security police information material, and that it did not use it's so-called V-man and the confidence man system for the political executives.

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As SD No. 3, I present a sworn affidavit by May Werner. In this affidavit I want to repudiate the statement of the Prosecution, according to the statement of the evidence 3 B of the Trial Brief on page 18 of the English. I want to state it was not the duty of the SD to check upon the loyalty of civil service employees.

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AS SD No. 4, I want to present a sworn affidavit by Max Juettner, Chief of the SA, in ~~th~~ repudiation of the Prosecution indictment that the SD did have an influence upon the selection of the Nazi leaders.

LIEUTENANT HARRIS: I believe that Juettner testified before the Commission. I don't know at that time whether counsel for the SD was pesent and had an opportunity to examine him.

DR. LOEFFLER: I did not name Juettner as a witness and I was not present during the interrogation of Juettner.

MR. TAYLOR: What is Ohlendorf's number, first or second?

INTERPRETER: Ohlendorf is No. 2, and Werner May is No. 3.

MR. TAYLOR: Do you have the original Juettner affidavit? (The affidavit is presented to Mr. Taylor)

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DR. LOEFFLER: Next I present certain affidavits by Gauleiters and ~~XXXXXXXXXXXXXX~~ Gauamtsleiters, or main office chiefs of various parts of Germany, according to which the SD did not have any influence upon the selections for party leaders. It is a repudication of the indictment

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and statement of Evidence 3B, page 18 of the English Trial Brief.

SD No. 5 is the affidavit of Otto Fehrer, who used to be on the Gau Mainfranken.

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SD No. 6 is Bruno Biedermann, for the Gau Thuringen.

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SD No. 7 is Siegfried Uiberreither for Gau Steiermark.

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SD No. 8 is Karl Wahl, formerly Gau Schwaben.

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SD No. 9 is by Paul Wegener, formerly Gau Mark Brandenburg and Gau Weser-Ems.

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SD No. 10 by Alfert Hoffman, the former Gau Oberschleisien Westfalen Sued.

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As SD No. 11, document by Dr. Marx Walfried. I present this affidavit in repudiation of the charge of crimes against the peace and a statement of evidence No. 5, page 23 of the English Trial Brief. I want to prove by this that the SD offices in ~~Breslau~~ Glewitz in/~~Breslau~~ did not have anything to do with the border incidents and did not have any knowledge of it.

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Document SD No. 12 by Wilhelm Ziebs is in repudiation of the document of Stahlecker, which was presented before this Court, a statement of evidence, Roman Numeral VI A of the English Trial Brief.

LIEUTENANT HARRIS: Does this affidavit show that the affiant was ever attached to any Einsatz Groups, and particularly to Einsatz Group A?

DR. LOEFFLER: No, I just want to prove by this document that the SD Group Tilsit could not have participated in the shooting of the 5502 Jews in this vicinity. I refer to page 30 of the English Trial Brief. That office At Tilsit was under the direct on of the main sector at Koenigsberg, and this group was active in the main ~~xxxxxx~~ office in Koenigsberg, and, therefore, would have had to have had to have had the same information as the Group in Tilsit.

****

The next three affidavits concern themselves with the indictment that the SD is supposed to have murdered prisoners in the SD prisons. I refer to the Statement of Evidence, Roman Numeral VI, page 56 of the English Trial Brief.

I present as Document SD 13 sworn affidavit of Werner May, who states that the SD did not have any prisoners.

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M. MONNERAY: AS to SD No. 13 I think that this affidavit did not deal with persons in the occupied territories since I believe that it deals only with SD groups inside Germany.

DR. LOEFFLER: BUT in the indictment not only SD persons outside Germany are mentioned but SD persons in general are mentioned.

M. MONNERAY: Any how the evidence given by the Prosecution are all of persons outside of Germany.

DR. LOEFFLER: I thank you. I will call this statement back.

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DR. LOEFFLER: Next I present SD No. 13, which is a document by Dr. Horst Laube, according to which the SD did not have any prisonns, internment camps, or camps or did not erect any.

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DR. LOEFFLER: As SD No.14 I want to present affidavit of Fritz Wellbrandt in repudiation of the Prosecution indictment, according to which the SD did not have any prisons in the area of Dijon, Chalons-sur-Marne, Reims and Orleans.

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DR. LOEFFLER: Next I come to SD 15, a sworn affidavit by Kurt Klauke, according to which the SD did not confiscate and divide public and private possessions of executed and murdered Jews and Communistic functionaries, that is according to Statement of the Evidence VI, page 57 of the English Trial Brief.

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DR. LOEFFLER: With the next three documents I want to repudicate the statement of the Prosecution that the SD persecuted the Jews. I am concerned with the Statement of Evidence, Roman Numeral VII A of the English Trial Brief.

In this Document SD 16 by Walther Kainz I want to prove that the SD concerned itself with the Jewish question only as far as it was connected with the political, economic, cultural and public life in Germany. Also due to the fact that no other sources were available the SD worked together with leading Jews, especially with leading Jews of the Community, and with Chiefs of the various Jewish organizations and groups. They valued this cooperation very much.

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DR. LOEFFLER: The next Document SD No. Roman Numeral 11/112 17 by Rolf Heinz Hoopner, I want to prove that the SD main office, before the creation of the Reich Security

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main office, did not have the duty of informing the Gestapo and criminal police concerning Jews.

LIEUTENANT HARRIS: Dr. Hooppner testified before the Commission in June and wasn't he examined by the attorney for the SD?

DR. LOEFFLER: Dr. Hooppner was questioned before this Commission. However, on these points I had intended to use Dr. Spengler, and so far Dr. Spengler has not arrived here, and, therefore, I have to use other means at my disposal to prove this point.

LIEUTENANT HARRIS: I think I will enter an objection as to any affidavits by any person who has been called and appeared as a witness for the SD before the Commission.

MR. TAYLOR: Did this witness testify to any of the facts that are contained in this affidavit?

DR. LOEFFLER: No, I don't think so. I don't think that he gave a lot of information about the Jewish questionbefore 1939. There might have been some questions on cross examination. However, I don't know for sure, but I willcall back the affidavit in order to save time.

MR. TAYLOR: This is a man we had about two days before the Commission, wasn't it?

LIEUTENANT HARRIS: Yes.

MR. TAYLOR: Let the record show that No. 17 was also withdrawn.

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DR. LOEFFLER: SD No. 17, an affidavit by Emil Haussman. This proves that the SD was not supposed to give information of Jews and so on to the Gestapo, but that the Gestapo had it's own information system. I also want to prove by this affidavit that the SD did not have any spies in connection with this Jewish question, but that it ~~xxxxxx~~ worked only with the personalities of the Jewish self-governing party.

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DR. LOEFFLER: The next two documents concern themselves with the indictment of the Prosecution and of the Statement of Evidence, Roman Numeral VII B, page 63 of the English Trial Brief.

I want to prove by Document No. 18, Walther Kainz, that the information by the SD was not used by political and police circles, but rather that it was an objective report to give the attitude and feeling of the people, and that it was also as criticism of the measures of the State and the NSDAP, concerning religious or idealogical matters.

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DR. LOEFFLER: I next have a document, a sworn statement by Helmut Fromm, who, however, has been accepted for questioning by me, and I, therefore, would like to have adecision by the Commission as to whether or not I

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should present this document or whether I can hear the witness.

MR. TAYLOR: I don't know that they will hear witnesses any more after this week.

M. MONNERAY: The hearing of the witness Fromm has been postponed.

MR. TAYLOR: I would suggest that you submit it then.

DR. LOEFFLER: If there is no objection ~~xxxxx~~ I will present the document.

M. MONNERAY: Do you still maintain your request that the witness should be heard?

DR. LOEFFLER: Yes, concerning the Governor General.

MR. TAYLOR: I would suggest you offer the affidavit.

DR. LOEFFLER: I want to state that Document SD No. 19 by Fromm shows that the material collected by the Church office was in no way suited for a Prosecution of the Church, and it was merely for information within the organization, and for information within the main office.

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DR. LOEFFLER: The next document, SD No. 20, I want to prove, a document by Alfred Kutter, that the SD did not have any executive powers, and that it could not carry out interrogations and confiscations.

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Take 3, page 11
Cook
1400 - 1530
9 July 1946
Affidavits

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DR. LOEFFLER: The next two sworn statements concern themselves with the ~~xxxxxxxx~~ voluntary question of the SD.

Next, I want to present Document SD No. 21 by ~~XX~~ Oskar Eiseler, according to which in the area of ~~Brittany~~ Alsace ~~and Alsace this blockstelle~~ fifty-eight per-cent of the members of the SD were labor recruits, and that is a typical percentage of the SD within the entire rank. It also states that of the men that forty-six ~~xx~~ per-cent were labor recruits or labor required personnel, and of the remainder seventy-five per-cent fell into that group.

M. MONNERAY: That affidavit seems not to be relevant ~~the original~~, since it doesn't give any indication of the functions here of the personnel mobilized for military purposes.

DR. LOEFFLER: Up to now, no group of persons have been exempt from the SD, as members of the SD have been accused.

MR. TAYLOR: This is merely showing a per-centage of the various organizations, or is this for the purpose of showing a percentage of membership of the various organizations?

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DR. LOEFFLER: No, it is supposed to prove that a large percentage of persons belonged to the SD during the war not because they volunteered but because they were drafted.

MR. TAYLOR: Was there any special objection to this?

M. MONNERAY: I think the affidavit shows that a certain number of people were mobilized into the SD, but it doesn't give any details as to what the purpose and activities and functions were of those people who had been put into the SD by mobilization.

DR. LOEFFLER: I don't think that one is necessary until the Prosecution makes some kind of difference between the various members of the SD. Up to now all employees are being accused.

MR. TAYLOR: Is Document No.21 being submitted to the Commission as a whole?

LIEUTENANT HARRIS: I joined the objection, and upon the further ground it appears that this witness was a member of the SD for only the year 1 September 1939 to 1 September 1940, and then thereafter he again held a position in the SD from the 19th of April, 1944, until the 22nd of April 1945, and, therefore, I do not think he is qualified to state what was typical throughout the entire organization over a large number of years.

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DR. LOEFFLER: I want to point out that this person was a personnel expert and can give information also for the time in between as he had the files available to him of the previous times ~~hx~~ when taking care of some of the other cases.

MR. TAYLOR: Very well, we have that statement in the record.

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DR. LOEFFLER: That was No. 21. This is Document SD No. 22, which is a sworn affidavit by Werner May again, in which he states it was impossible for the members of the SD to leave the unit voluntarily.

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DR. LOEFFLER: As SD No. 23, I present a sworn affidavit by Dr. Laube. According to this document I want to prove that the SD, especially was mistaken for other organizations by both German civil and military authorities.

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DR. LOEFFLER: Document No. 24 of Walter Hoffman states that in Northern France and Belgium, members of the security police were the gray uniform with the SD insignia.

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DR. LOEFFLER: I present as Document No. 25, another affidavit by Walter Hoffman, according to which the SD in Belgium was a special group or organization and was considered part of the army in a larger sense of the word.

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DR. LOEFFLER: I present the next document which is supposed to show that a blockstelle was not organized to aid in the conspiracy of carrying out crimes against the peace and crimes against communities, and which document, which is Document SD 26 by Mrs. Wilhelmy, who was herself such a ~~inadmaf~~ leader of a blockstelle. Mrs. Wilhelmy is also giving information of the organization of the female members of the SD and also is giving information of the colonization of the female members of the SD at the present in an internment camp in the American zone.

LIEUTENANT HARRIS: Well now what is the relevancy as to the condition of certain female members of the SD in American internment camps at the present has to do with this case, I am at a loss to understand.

DR. LOEFFLER: That the female SD members are all in one camp now, and, therefore, could give information as to how many of the women did light and heavy work and possible kinds of work, and actually how many did important work in that organization. I want to point out that a clique has not been exempt so far from the indictment of

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the SD as it was done by the Gestapo.

M. MONNERAY: I object also on the other ground that the writer of this affidavit was neither a member of the Party or the SS and only chief of the blockstelle of the SD from 1 June until 1 October, 1944, and that seemed to be a very short time to really understand an organization which is indicted here, so I don't think the writer is qualified to give evidence on the SD.

DR. LOEFFLER: I considered that matter already and in question No. ~~ix~~ 14 she states during her internment in this camp she has ~~talk~~ talked with a large number of SD members in various parts of Germany, and in No. 16 she then states according to this questionairre the ~~blockstelle~~ blockstelle was typical of the blockstelles within Germany.

M. MONNERAY: I think what the witness got from the other members of the SD in American Internmemt Camps could not be considered as evidence, especially since the statements given by the other women in the internment camp were very careful and tried at the same time to whitewash their purpose.

DR. LOEFFLER: I will recall this affidavit and will introduce another affidavit concerning the activities of the blockleiters.

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DR LOEFFLER: In this next document No. 26, Dr. Zirnbauer Heinrich, was concerning the activity of the V-men, or confidence men, and I include with this sworn affidavit two reports which Zirnbauer made in the years of 1941 and 1942, as such V-men and he reports that the carbon copies in this case are the original copies of a report that he has made. I also want to prove by this document, it is not the duty ofthe V-men, or confidence men to do spy work for the Gestapo. If that actually did happen, then it happened due to members of the SD that did not recognize their actual duty. I am finished.

MR. TAYLOR: Has some one any objection to No. 26? We will adjourn until ten o'clock in the morning.

(The Commission adjourned to 10 July 1946, at the 1000 hour)

The foregoing is a true and correct transcript of the submission of Affidavits for the SD by Dr Loeffler, on 9 July 1946.

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Reporter (pp 1-15

Reporter (pp 16

CERTIFIED TO :

Commissioner

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OFFICIAL TRANSCRIPT OF EXAMINATION OF AFFIDAVITS ON BEHALF OF ACCUSED ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO ORDER OF THE TRIBUNAL DATED 5 JULY 1946.

Tuesday, 9 July 1946.

COMMISSIONER:

Mr. George R. Taylor.

THE SD

(The Commission convened at 1400 hours)

MR. TAYLOR: About how many affidavits do you have to present?

DR. LOEFFLER: About a total of thirty. The list is still being typed out for some of them.

MR. TAYLOR: We checked with the translation section and it is going to be very difficult to get verymany affidavits translated, so I would suggest that you kindly select the ones you really want and are pertinent rather than request that too many of them be translated.

DR. LOEFFLER: I shall present SD document No. 1, a statement of the adjutant of the SD school in Bernau. The name of the person is Ferdinand Zachmann. I want to prove by state with this affidavit that the members of the SD were taught in these schools that it was their duty to inform the government of the feeling within the country, and it was the duty of the SD through precisely individuals and official reports, to give the government a picture of the actual situation and development within all phases of public life. The people were taught in other words not to persecute individual persons.

DR. LOEFFLER: As SD No. 2, I present the document, a sworn affidavit by Otto Ohlendorf, the former bureau chief of the SD. Especially important in this affidavit is paragraph No. 3, with which I want to prove that the interior SD was in no way connected with the Gestapo or the Security Police, to form a close or cooperative police system, and these units did not work together very closely. That the SD within the Reich did not have the duty to receive security police information material, and that it did not use it's so-called V-man and the confidence man system for the political executives.

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As SD No. 3,I present a sworn affidavit by May Werner. In this affidavit I want to repudiate the statement of the Prosecution, according to the statement of the evidence 3 B of the Trial Brief on page 18 of the English. I want to state it was not the duty of theSD to check upon the loyalty of civil service employees.

As SD No. 4, I want to present a sworn affidavit by Max Juettner, Chief of the SA, in repudiation of the Prosecution indictment that the SD did have an influence upon the selection of the Nazi leaders.

LIEUTENANT HARRIS: I believe that Juettner testified before the Commission. I don't know at that time whether counsel for the SD was present and had an opportunity to examine him.

DR. LOEFFLER: I did not name Juettner as a witness and I was not present during the interrogation of Juettner.

MR. TAYLOR: What is Ohlendorf's number, first or second?

INTERPRETER: Ohlendorf is No. 2, and Werner May is No. 3.

MR. TAYLOR: Do you have the original Juettner affidavit? (The affidavit is presented to Mr. Taylor)

DR. LOEFFLER: Next I present certain affidavits by Gauleiters and Gauamtsleiters, or main office chiefs of various parts of Germany, according to which the SD did not have any influence upon the selections for party leaders. It is a repudiation of the indictment and statement of Evidence 3B, page 18 of the English Trial Brief.

SD No. 5 is the affidavit of Otto Fehrer, who used to be on the Gau Mainfranken.

SD No. 6 is Bruno Biedermann, for the Gau Thuringen.

SD No. 7 is Siegfried Uiberreither for Gau Steiermark.

SD No. 8 is Karl Wahl, formerly Gau Schwaben.

SD No. 9 is by Paul Wegener, formerly Gau Mark Brandenburg and Gau Weser-Ems.

SD No. 10 by Alfert Hoffman, the former Gau Oberschleisien Westfalen Sued.

As SD No. 11, document by Dr. Marx Walfried. I present this affidavit

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in repudiation of the charge of crimes against the peace and a statement of evidence No. 5, page 23 of the English Trial Brief. I want tp prove by this that the SD offices in Glowitz did not have anything to do with the border incidents and did not have any knowledge of it.

Document SD No. 12 by Wilhelm Ziebs is in repudiation of the document of Stahlecker, which was presented before this Court, a statement of evidence, Roman Numeral VI A of the English Trial Brief.

LIEUTENANT HARRIS: Does this affidavit show that the affiant was ever attached to any Einsatz Groups, and particularly to Einsatz Group A?

DR. LOEFFLER: No, I just want to prove by this document that the SD Group Tilsit could not have participated in the shooting of the 5502 Jews in this vicinity. I refer topage 30 of the English Trial Brief. That office at Tilsit was under the directionof the main sector at Koenigsberg, and this group was active in the main office in Koenigsberg, and, therefore, would have had to have had the same information as the Group in Tilsit.

The next three affidavits concern themselves with the indictment that the SD is supposed to have murdered prisoners in the SD prisons. I refer to the Statement of Evidence, Roman Numeral VI, page 56 of the English Trial Brief.

I present as Document SD 13 sworn affidavit of Werner May, who states that the SD did not have any prisoners.

M. MONNERAY: As to SD No. 13 I think that this affidavit did not deal with persons in the occupied territories since I believe that it deals only with SD groups inside Germany.

DR. LOEFFLER: But in the indictment not only SD persons outside Geramny are mentioned but SD persons in general are mentioned.

M. MONNERAY: Anyhow the evidence given by the Prosecution are all of persons outside of Germany.

DR. LOEFFLER: I thank you. I will call this statement back.

DR. LOEFFLER: Next I present SD No. 13, which is a document by Dr. Horst Laube, according to which the SD did not have any prisons, internment camps, or camps or did not erect any.

DR. LOEFFLER: As SD No. 14 I want to present affidavit of Fritz Wellbrandt in repudiation of the Prosecution indictment, according to which the SD did not have any prisons in the area of Dijon, Chalons-sur-Marne, Reims and Orleans.

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DR. LEOFFLER: Next I come to SD 15, a sworn affidavit by Kurt Klauke, according to which the SD did not confiscate and divide public and private possessions of executed and murdered Jews and Communistic functionaries, that is according to Statement of the Evidence VI, page 57 of the English Trial Brief.

* * * * * *

DR. LEOFFLER: With the next three documents I want to repudiate the statement of the Prosecution that the SD persecuted the Jews. I am concerned with the Statement of Evidence, Roman Numeral VII A of the English Trial Brief.

In this Document SD 16 by Walther Kainz I want to prove that the SD concerned itself with the Jewish question only as far as it was connected with the political, economic, cultural and public life in Germany. Also due to the fact that no other sources were available the SD worked together with leading Jews, especially with leading Jews of the Community, and with Chiefs of the various Jewish organizations and groups. They valued this cooperation very much.

* * * * * * *

DR. LEOFFLER: The next Document SD No. 17 by Rolf Heinz Hoopner, Roman Numeral 11/112, I want to prove that the SD main office, before the creation of the Reich Security main office, did not have the duty of informing the Gestapo and criminal police concerning Jews.

LIEUTENANT HARRIS: Dr. Hooppner testified before the Commission in June and wasn't he examined by the attorney for the SD?

DR. LEOFFLER: Dr. Hooppner was questioned before this Commission. However, on these points I had intended to use Dr. Spengler, and so far Dr. Spengler has not arrived here, and, therefore, I have to use other means at my disposal to prove this point.

LIEUTENANT HARRIS: I think I will enter an objection as to any affidavits by any person who has been called and appeared as a witness for the SD before the Commission.

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MR. TAYLOR: Did this witness testify to any of the facts that are contained in this affidavit?

DR. LEOFFLER: No, I don't think so. I don't think that he gave a lot of information about the Jewish question before 1939. There might have been some questions on cross examination. However, I don't know for sure, but I will call back the affidavit in order to save time.

MR. TAYLOR: This is a man we had about two days before the Commission, wasn't it?

LEIUTENANT HARRIS: Yes.

MR. TAYLOR: Let the record show that No. 17 was also withdrawn.

* * * * * * *

DR. LEOFFLER: SD No. 17, an affidavit by Emil Haussman. This proves that the SD was not supposed to give information of Jews and so on to the Gestapo, but that the Gestapo had it's own information system. I also want to prove by this affidavit that the SD did not have any spies in connection with this Jewish question, but that it worked only with the personalities of the Jewish self-governing party.

* * * * * * *

DR. LEOFFLER: The next two documents concern themselves with the indictment of the Prosecution and of the Statement of Evidence, Roman Numeral Numeral VII B, page 63 of the English Trial Brief.

I want to prove by Document No. 18, Walther Kainz, that the information by the SD was not used by political and police circles, but rather that it was an objective report to give the attitude and feeling of thepeople, and that it was also as criticism of the measures of the State and the NSDAP, concerning religious or idealogical matters.

* * * * * * *

DR. LEOFFLER: I next have a document, a sworn statement by Helmut Fromm, who, however, has been accepted for questioning by me, and I, therefore, would like to have a decision by the Commission as to whether or not I should present this document or whether I can hear the witness.

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MR. TAYLOR: I don't know that they will hear witnesses any more after this week.

M. MONNERAY: The hearing of the witness Fromm has been postponed.

MR. TAYLOR: I would suggest that you submit it then.

DR. LEOFFLER: I there is no objection I will present the document.

M. MONNERAY: Do you still maintain your request that the witness should be heard?

DR. LEOFFLER: Yes, concerning the Governor General.

MR. TAYLOR: I would suggest you offer the affidavit.

DR. LOEFFLER: I want to state that Document SD No. 19 by Fromm shows that the material collected by the Church office was in no way suited for a Prosecution of the Church, and it was merely for information within the organization, and for information within the main office.

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DR. LOEFFLER: The next document, SD No. 20, I want to prove, a document by Alfred Kutter, that the SD did not have any executive powers, and that it could not carry out interrogations and confiscations.

* * * * * * *

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DR. LOEFFLER: The next two sworn statements concern themselves with the voluntary question of the SD.

Next, I want to present Document SD No. 21 by Oskar Eisleler, according to which in the area of Alsace fifty-eight per-cent of the members of the SD were labor recruits, and that is a typical percentage of the SD within the entire rank. It also states that of the men that forty-six percent were labor recruits or labor required personnel, and of the remainder seventy-five percent fell int that group.

M. MONNERAY: That affidavit seems not to be relevant, since it doesn't give any indication of the functions here of the personnel mobilized for military purposes.

DR. LOEFFLER: Up to how, no group of persons have been exempt from the SD, as members of the SD have been accused.

MR. TAYLOR: This is merely showing a percentage of the various organizatior or is this for the purpose of showing a percentage of membership of the various organizations?

DR. LOEFFLER: No, it is supposed to prove that a large percentage of persor belonged to the SD during the war not because they volunteered but because they w re drafted.

MR TAYLOR: Was there any special objection to this?

M. MONNERAY: I think the affidavit shows that a certain number of people were mobilized into the SD. but it doesn't give any details as to what the purpc and activities and functions w re of those people who had been put into the SD by mobilization.

DR. LOEFFLER: I don't think that one is necessary until the Prosecution mak some kind of difference b tween the various members of the SD. Up to now all employees are being accused.

MR TAYLOR: Is Document No. 21 being submitted to the Commission as a whole?

LIEUTENANT HARRIS: I joined the objection, and upon the further ground it appears that this witness was a member of the SD for only the year 1 September 1' to 1 September 1940, and then thereafter he again held a position in the SD from the 19th of April, 1944, until the 22nd of April 1945, and, therefore, I do not think he is qualified to state what was typical throughout the entire organizati

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over a large number of years.

DR. LOEFFLER: I want to point out that this person was a personnel expert and can give information also for the time in between as he had the files available to him of the previous times when taking care of some of the other cases.

MR TAYLOR: Very w ll, we have that statement in the record.

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DR. LOEFFLER: That was No. 21. This is a Document SD No. 22, which is a sworn affidavit by Werner May again, in which he states it was impossible for the members of the SD to leave the unit voluntarily.

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DR. LOEFFLER: As SD No. 23. I present a sworn affidavit by Dr. Laube. According to this document I want to prove that the SD, especially was mistake for other organizations by both German civil and military authorities.

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DR, LOEFFLER: Document No. 24 of Walter Hoffman states that in Northern France and Belgium, members of the security police were the gray uniform with SD insignia.

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DR. LOEFFLER: I present as Document No. 25, another affidavit by Walter Hoffmann, according to which the SD in Belgium was a special group or organization and was considered part of the army in a larger sense of the word.

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DR. LOEFFLER: I present the next document which is supposed to show that a blockstelle was not organized to aid in the conspiracy of carrying out crimes against the peace and crimes against the communities, and which document, which is Document 26 by Mrs. Wilhelmy, who was herself such a leader of a blockstelle Mrs Wilhelmy is also giving information of the organization of the female members of the SD at the present in an internment camp in the American zone.

LIEUTENANT HARRIS: Well now what is the relevancy as to the condition of certain members of the SD in American internment camps at the present has to do with this case, I am at a loss to understand.

DR. LOEFFLER: That the female SD members are all in one camp now, and,

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therefore, could give information as to how many of the women did light and heavy work and possible kinds of work, and actually how many did important work in that organization. I want to point out that a clique has not been exempt so far from the indictment of the SD as it was done by the Gestapo.

M. MONNERAY: I object also on the other ground that the writer of this affidavit was neither a member of the Party or the SS and only chief of the blockstelle of the SD from 1 June until 1 October, 1944, and that seemed to be a very short time to really understand an organization which is indicted here, so I do think the writer is qualified to give evidence on the SD.

DR. LOEFFLER: I considered that matter already and in question No. 14 she states during her internment in this camp she has talked with a large number of SD members in various parts of Germany, and in No. 16 she then states according this questionaire the blockstells was typical of the blockstelles within Germany

M. MONNERAY: I think what the witness got from the other members of the SD in American Internment Camps could not be considered as evidence, especially since the statements given by the other women in the internment camp were very careful and tried at the same time to whitewash their purpose.

DR. LOEFFLER: I will recall this affidavit and will introduce another affidavit concerning the activities of the blockleiters.

DR. LOEFFLER: In this next document No. 26, Dr. Zirnbauer Heinrich, was concerning the activity of the V-men, or confidence men, and I include with this sworn affidavit two reports which Zirnbauer made in the years of 1941, and 1942, as such V-men and he reports that the carbon copies in this case are the original copies of a report that he has made. I also want to prove by this document, it is not the duty of the V-men, or confidence men to do spy work for the Gestapo. If that actually did happen, then it happened due to members of the SD that did not recognize their actual duty. I am finished.

MR TAYLOR: Has some one any objection to No. 26? We will adjourn until ten o'clock in the morning.

(The Commission adjourned to 10 July 1946, at the 1000 hour).

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The foregoing is a true and correct transcript of the submission of affidav for the SD by Dr. Loeffler, on 9 July 1946.

Rose Cook
Reporter

Charles Gallagher
Reporter

CERTIFIED TO:

Geo. R. Taylor
Commissioner.